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# Public Notice

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**Applicant:**

Cattaraugus  
Department of Public Works

**Date:**

County Published: July 25, 2002  
Expires: August 13, 2002

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

Buffalo District **CELRB-CO-R RE:** 2002-01183(0) **Section:** NY 404

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Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).

The Cattaraugus County Department of Public Works, 8810 Route 242, Little Valley, New York 14755, has applied for a Department of the Army permit to discharge fill material into a tributary of the South Branch of Cattaraugus Creek, in connection with a roadway crossing replacement and in connection with realigning part of the creek channel, at County Route 12 (Jefferson Street), in the Town of New Albion, Cattaraugus County, New York.

The applicant shall excavate at the road crossing in order to expose the existing culvert. A fill cofferdam shall be installed across the creek at the upstream end of the existing crossing, and a temporary detour channel shall be excavated around the crossing to divert the creek around the work area. About 9.5 cubic yards of fill material shall be placed into the creek for the cofferdam installation.

The applicant shall remove the crossing culverts and install a concrete base slab for the new crossing. About 241.2 cubic yards of concrete shall be placed on to the creek bed for this base slab installation. The applicant shall then install a precast concrete three-sided structure for the bridge crossing, and shall back fill the structure and construct the roadway. The applicant will also install new wingwall footers and new wingwalls for the bridge.

The proposal includes a realignment of about 110 feet of the existing upstream creek channel. A new channel shall be excavated, and the existing creek channel shall be filled. A total of about 1255 cubic yards of fill material shall be placed to fill in the existing creek channel, with about 753 cubic yards of this material placed below the Ordinary High Water Level of the creek. Riprap fill material shall be installed into the new creek channel and along the banks of the creek at the upstream and the downstream sides of the new bridge crossing. A total of about 695 cubic yards of riprap fill material shall be placed, with about 278 cubic yards of this material placed below the Ordinary High Water Level of the creek. After this work is done, the cofferdam shall be removed, and the temporary detour channel shall be filled.

The purpose of the roadway replacement is to provide for a stable roadway crossing of the creek. The purpose of the proposed creek

channel realignment is to prevent erosion of the creek bank in the vicinity of the new bridge. The proposed riprap installation is intended to prevent scouring of the creek channel and the creek banks at the area of the bridge.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Mel R. Schroeder, who can be contacted by calling (716) 879-4307, or by e-mail at: [mel.r.schroeder@usace.army.mil](mailto:mel.r.schroeder@usace.army.mil)

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Mel R. Schroeder, or by e-mail at: [mel.r.schroeder@usace.army.mil](mailto:mel.r.schroeder@usace.army.mil). A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 20 days from the date of issuance.

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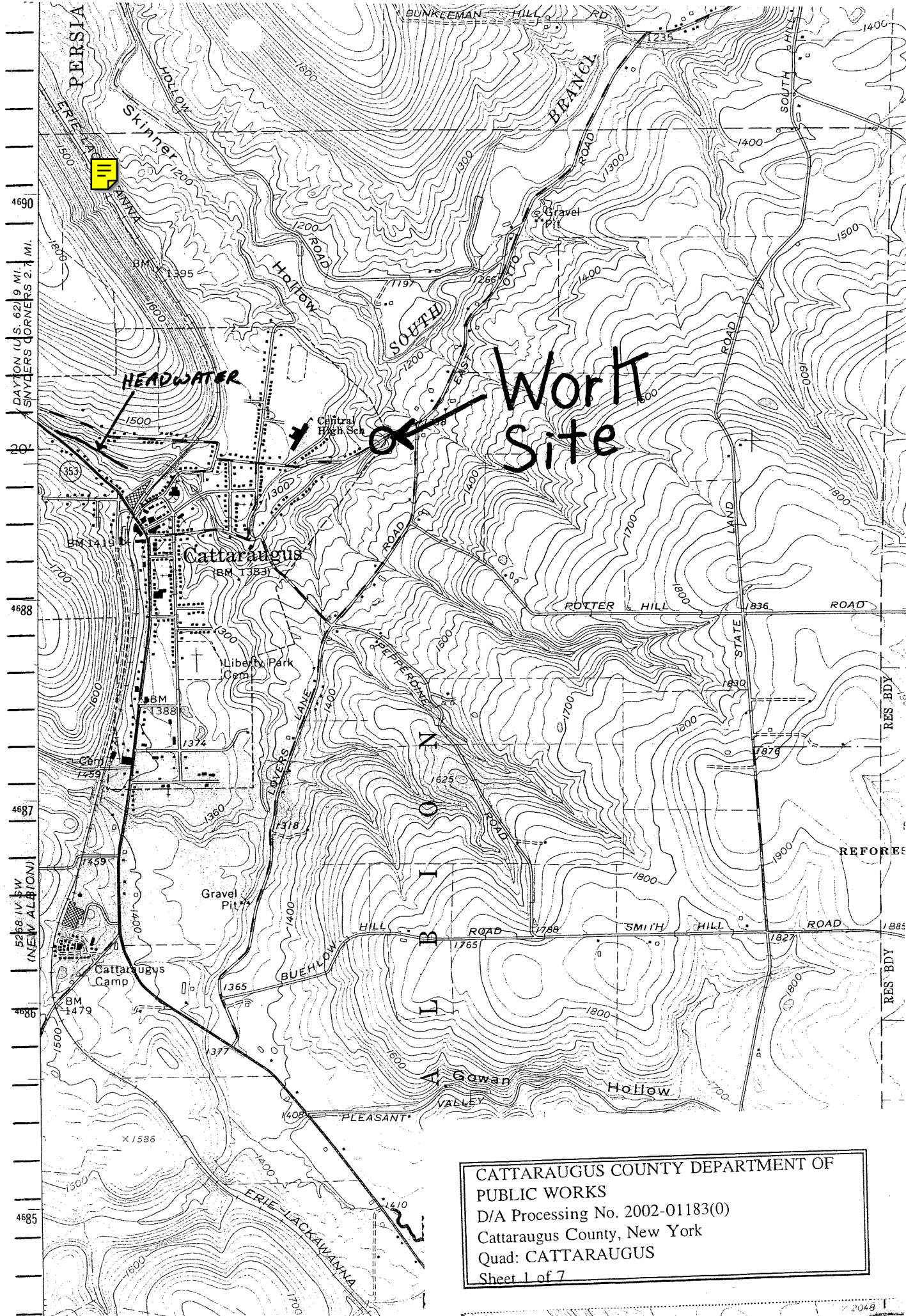
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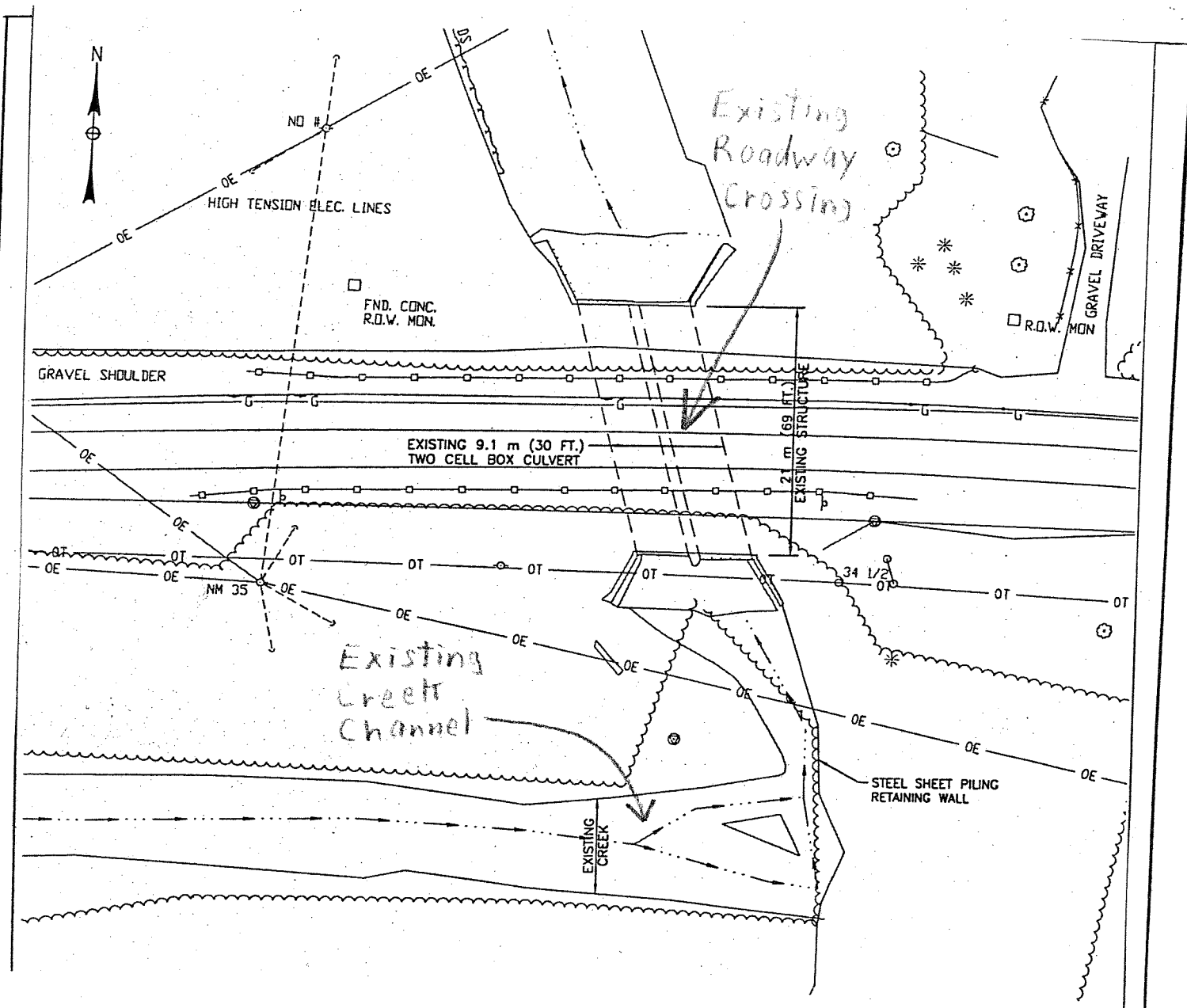
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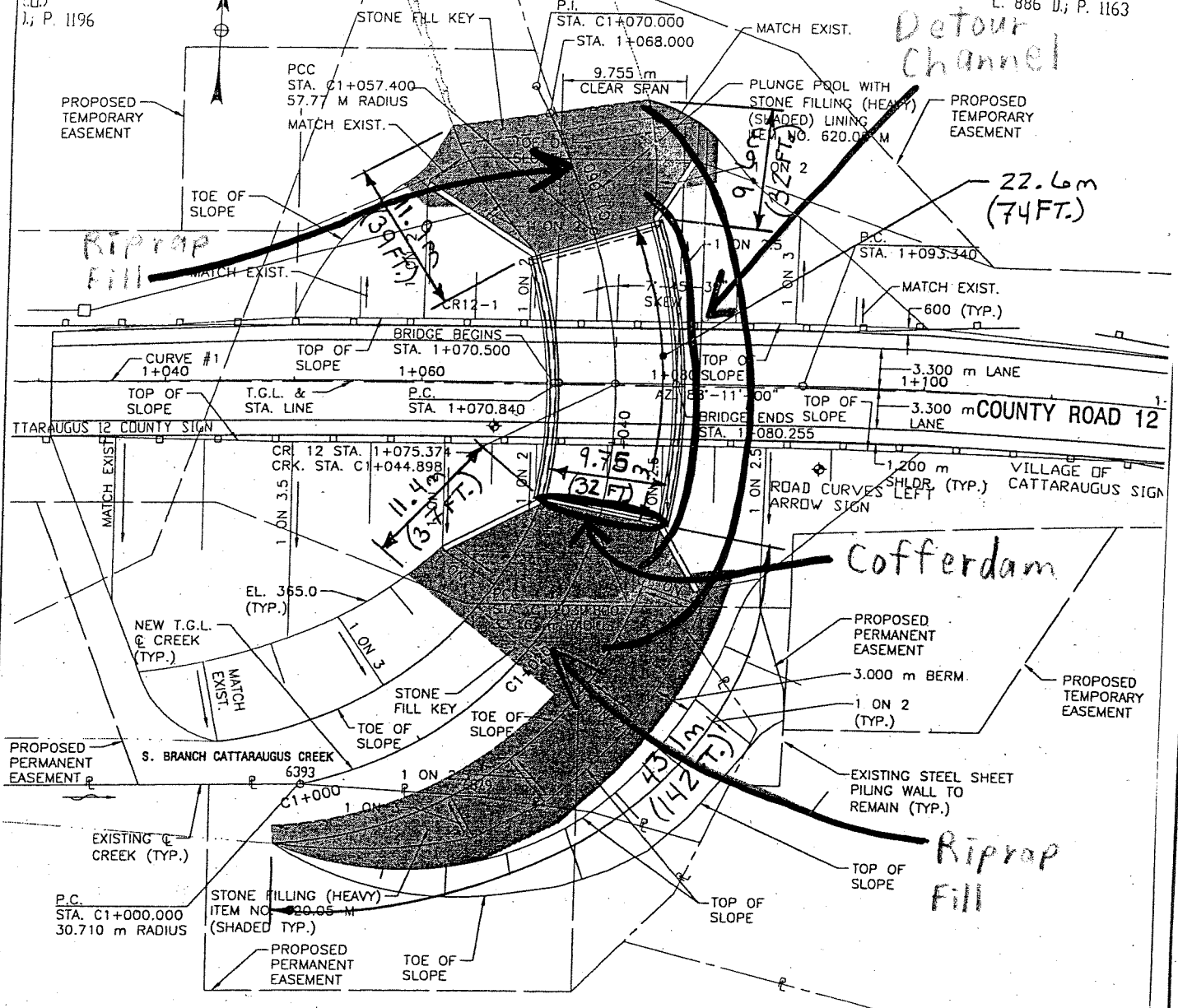


Plan View of Existing Conditions  
at the Work Site, Showing the  
Existing Road Crossing and the  
Existing Creek Channel  
Configuration (Not to  
Scale)

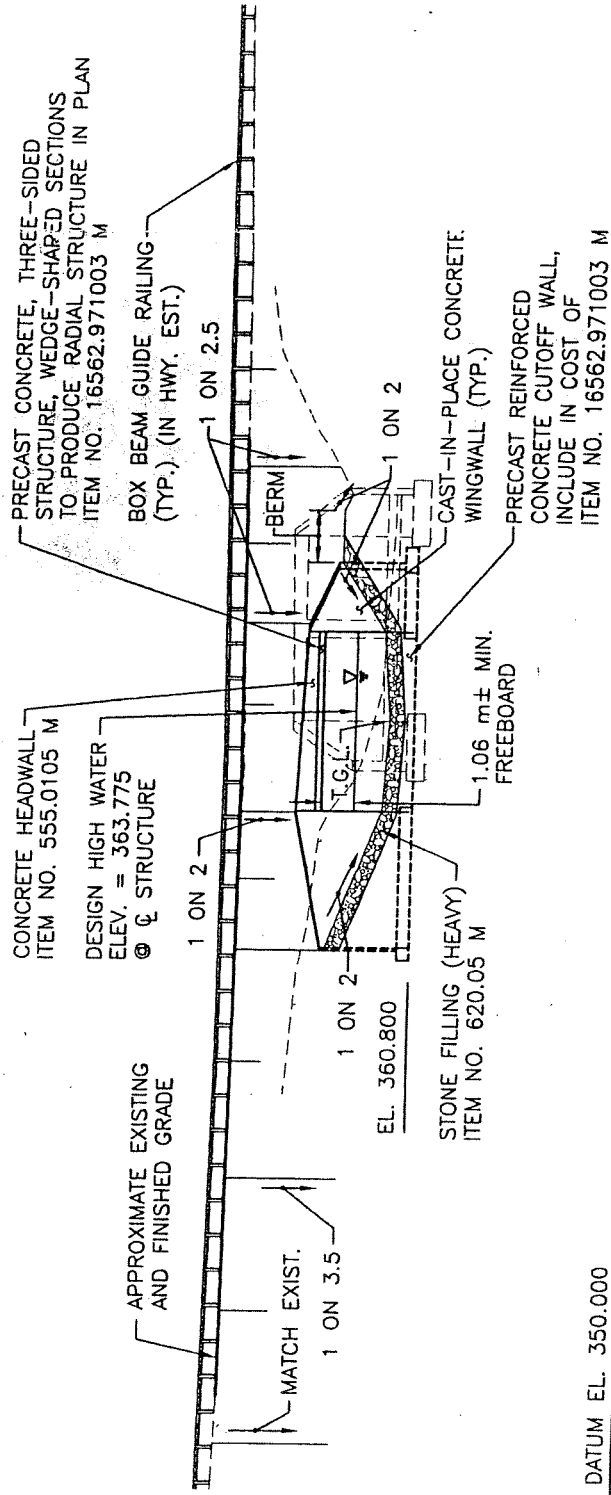
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WILLIAM E. WEAVER  
AND LINDA L. WEAVER  
(R.D.)  
L. 886 D.; P. 1163



Plan View of Proposed Work,  
Showing Riprap, Temporary  
Cofferdam, and Temporary  
Detour Channel (Not  
to Scale)



Cross-Section View of  
Proposed Bridge Crossing  
Installation (Not to  
Scale)

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9.755 m

1.2 m ± MIN.  
FREEBOARD

STRUCTURE

DESIGN HIGH WATER  
AT UPSTREAM FACE  
EL. 364.23

300mm LOW  
FLOW DISH



Cross-Section View of  
Proposed Bridge Installation  
at the Creek (Not to  
Scale)